

# **EXHIBIT 1**

LAST REVISED AUGUST 1, 2017.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**SUPPLEMENTAL ORDER TO  
ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE  
IN CIVIL CASES BEFORE JUDGE WILLIAM ALSUP**

**INTRODUCTION**

The purpose of this supplemental order is to guide the parties on recurring practical questions that arise prior to trial and to impose certain requirements for the conduct of the case. Counsel must please read this order and follow it.

**SERVICE OF THIS ORDER**

1. For cases originating in this Court, plaintiff(s) must serve this order and the order setting the initial case management conference (along with any other required pleadings) on each defendant. For cases removed from state court, the removing defendant(s) must serve this order and the order setting the initial case management conference (along with any other required pleadings) immediately on each and every party that has previously appeared or that appears within thirty days after removal. Thereafter, any existing party to the action that brings a new party into the action must immediately serve a copy of this order and the order setting the initial case management conference (along with any other required pleadings) on the new party.

26. If a dispute arises during a deposition and involves either a persistent obstruction of the deposition or a refusal to answer a material question on a ground other than privilege, counsel may attempt to arrange a telephone conference with the Court through the courtroom deputy, Dawn Logan, at 415-522-2020. Any such conference should be attended by the same court reporter recording the deposition.

27. All other requests for discovery relief must first be summarized in a letter no longer than three pages from the party seeking relief after having met and conferred. Up to twelve pages of attachments may be added. In the letter, counsel should identify themselves in the signature block as “counsel for \_\_\_\_\_.” *In addition, counsel must state whether the parties have met and conferred either in person or by telephone over all the issues in the letter. The letter should be electronically-filed in the official file along with the discovery-dispute requests and responses, as well as any timely letter cancelling the hearing if settlement is reached.* (Please note that with all communications with the Court by e-filing, *a hard copy must be lodged* in the Court’s mail box in the Clerk’s Office on the sixteenth floor in the time frame requested by local rule.) The Court will then advise the parties whether a response, written motion or court hearing will be required. After the hearing, counsel should submit their proposed order (agreed as to form) by e-filing it. This paragraph applies only to cases wherein discovery is being supervised by the district judge rather than by a magistrate judge or special master.

## DISCLOSURES

28. Apart from discovery, Rule 26 requires certain automatic disclosures and requires them to be made in a timely manner. Under Rule 37(c), untimely-disclosed materials may not be used at trial or on summary judgment unless the delay in disclosure is “harmless” or unless “substantial justification” for the delay is shown.

## COMMUNICATIONS WITH CHAMBERS

29. Please do not send any letters to the Court (except for requests for discovery conferences, short cover letters for dismissals, orders agreed-upon as to form, or chambers copies of electronically-filed documents). When corresponding with the Court by letter, always


1 identify whom you represent. Please do not fax or messenger anything to chambers without  
2 advance permission specific to the item. Please e-file all submissions to the Court and make sure  
3 a hard copy is lodged in the Court's mail box in the Clerk's Office on the sixteenth floor within  
4 the time frame requested by local rule.

5 30. You may contact the courtroom deputy, Dawn Logan (on the sixteenth floor in  
6 the Clerk's Office), at 415-522-2020 with appropriate inquiries. Except for the letters described  
7 above, please do not attempt to make contact by telephone or any other *ex parte* means with  
8 chambers staff.

9 **CROSS REFERENCE TO OTHER STANDING ORDERS AND GUIDELINES**

10 31. The Court has separate standing guidelines for preparation for the final pretrial  
11 conference and trial. In securities cases, the Court has a standing order concerning early notice  
12 to class members. They are always available for review at the website for the United States  
13 District Court for the Northern District of California at [www.cand.uscourts.gov](http://www.cand.uscourts.gov).

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15  
16 Dated: August 1, 2017.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE